IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 14777 of 2004

Between:

Kedarnath Puneria S/o. Late Dwaraka Das,
R/o. Flat No.11, H.No.12-7-4/1/2, Sri Tulja bhavani Towners,
Mettuguda, Secunderabad.

..... PETITIONER

AND

1. The Joint Registrar of Coop. Societies,
The Charminar Cooperative urban Bank Ltd,
Situated at Purai Haveli, Hyderabad.
2. The Charminar Cooperative Urban Bank Ltd,
registered under Multi State Coop. Societies Act 1984
Vide Regn No.MSCS/CR/130/2001 situated, at Purani Haveli,
Hyderabad rep by its Manager, Recovery Mr.Mohd.Anwarullah,
S/o. M.A.Hafeez, R/o. Hyderabad.
3. P.V.S.N.Murthy S/o. Late P.Raja
R/o 1-2-593/18, Domalguda, Hyderabad.
4. Dr.B.V. Rama Rao s/o. Late Dr.B.Sitarama Swamy
R/o. 89, Sagar Society, Road No.2, Banajara Hills, Hyderabad.
5. Victor Chang Heart Institute and Research Centre (P) Ltd.,
6-3-649/6, Somajiguda, Hyderabad.
6. Mrs.Kemubai W/o.Mr.Dwarakadas,
R/o. 4-1-106/107, Old Bhoiguda, Secunderabad.
7. Tilakchand Punaria S/o. Mr. Dwarakadas
R/o. 4-1-106/107 Old Bhoiguda, Secunderabad.
8. Suraj Narayan Prasad S/o. Mr.A.K. Prasad
R/o. 1-1-564/A, Golconda X Road, Hyderabad.
9. B.Satyanarayana S/o. Mr.B.Sitaramaswamy
R/o. 1-1-564/A Goloconda X Road, Hyderabad.
10. B.Surya Prasad S/o. Mr.B.Sitaramaswamy

R/o. 25-3-7/2 Jaikrishnapuram, Rajahmundry,
East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the action of the 1st respondent herein in not disposing of claim petition of the petitioner herein dated 9-8-2004 and proceeding with auction scheduled to be held on 27-8-2004 in pursuance of the auction notice dated 13.7.2004 in E.P. No.78/2004 issued by the 1st respondent as illegal, arbitrary and unjust by issuing appropriate of mandamus writ order or direction and consequently direct the respondents herein to dispose of the same.

Counsel for the Petitioner: MR.M.V.S.SURESH KUMAR

Counsel for the Respondents 1 and 2: MR.N.RAMAMOHANA RAO, S.C.

The Court made the following :

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ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the 2nd respondent Bank.

The petitioner states that in pursuance of the award dated 05.01.2004 passed by the 1st respondent in A.R.C.NO.38456 of 2002, the 2nd respondent has initiated execution proceedings, by virtue of which the property belonging to the petitioner has been brought to sale. Petitioner, after coming to know about the same, filed a claim petition under Rule 52 Sub-Rule (21) of A.P.

Co-operative Societies Act and Rules, 1964, on 9-8-2004 before the 2nd respondent, who is the competent authority to decide the matter.

The grievance of the petitioner is that the 2nd respondent failed to consider the claim petition filed by him, on the other hand, has been proceeding with the execution of the award and the auction is scheduled to be held on 27-8-2004. Hence this writ petition.

The learned Standing Counsel appearing for the 2nd respondent did not dispute the fact that the claim petition filed by the petitioner is pending before the 2nd respondent.

In the circumstances, I deem it appropriate to dispose of the writ petition with a direction to the 2nd respondent to consider the claim petition filed by the petitioner and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Till such time, there shall be a direction to the 2nd respondent Bank not to take any coercive steps against the petitioner, including the proposed sale of property in question.

The writ petition is disposed of accordingly. No costs.

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20-08-2004

sh/klp

To

1. The Joint Registrar of Co-operative Societies, the charminar Co-op Bank Ltd., Purani Haveli, Hyderabad.

2. Manager, Recovery, Charminar Co-op. Urban Bank Ltd., Purani Haveli, Hyderabad.

3. Two C.D. copies.

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 14777 of 2004

Dated:20-08-2004